THE HON'BLE SRI JUSTICE

C.V.RAMULU

W.P.No.2000 of 2007

Dated:05.02.2007

Between
Kuruba Nagendra Kurmar

.....Petitioner

and

The Depot Manager, APSRTC,
Anantapur Depot, Anantapur

...Respondent

THE HON'BLE SRI JUSTICE

C.V.RAMULU

W.P.No.2000 of 2007

ORDER

This writ petition is filed seeking a Mandamus to declare the proceedings No.P2/1 (37)95-ATP dated 14.8.1995 issued by the respondent as arbitrary and illegal. and consequently to direct the respondent to add annual increment to the pay of the petitioner.

It appears that through the impugned order dated 14.8.1995, the petitioner was inflicted with punishment of stoppage of one increment with cumulative effect. Aggrieved by the same, the present writ petition is filed.

Though such a practice was deprecated by this Court and by the

Apex Court stating that in a case where punishment of stoppage of increment with cumulative effect is imposed, it amounts to major punishment and the same shall not be imposed unless and until a detailed enquiry is conducted into the matter.

Admittedly, in this case, no detailed enquiry as required under the law was conducted and the punishment of postponement of one increment with cumulative effect was imposed. Nonetheless, the petitioner has approached this Court after a lapse of 10 years. The writ petition is liable to be allowed as per the Judgment of the Supreme Court reported in 1990 (6) SLR page 73 and other catena of Judgments of this Court. The petitioner is entitled for the increment from 1st April, 2007 only, but he is not entitled for any arrears.

Writ petition is allowed to the extent indicated above. No costs.

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5-2-2007

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